

REMARKS

Applicants thank the Examiner for the thorough review of the application and for noting that claims 14-20 were improperly indicated as withdrawn in Applicant's Paper No. 7. Applicants acknowledge that claims 14-20 were cancelled in the amendment filed September 26, 2002.

In the instant Paper, Claims 3, 12, and 27 have been amended. No new matter has been added by way of the amendments.

As requested by the Examiner, the title and abstract have been amended to be more indicative of the invention to which the claims are directed.

The section heading and paragraph number used below correspond to that used in the pending Office Action.

Claim Rejections – 35 U.S.C. § 112

7. Claims 3, 12, and 21-28 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly not pointing out and distinctly claiming the subject matter which the applicants regard as their invention.

Claim 3 was rejected because the phrase "the coding region" is allegedly indefinite. In amended claim 3, the phrase "the coding region" has been replaced with the phrase "nucleotides 68-433".

Claims 12 and 27 were rejected as it is not clear to the Examiner if the transgenic seed in claims 12 and 27 comprise the chimeric gene of the instant invention or whether they are transformed by some other nucleic acid. Applicants respectfully submit that amended claims 12 and 27 clearly define what nucleic acid molecule is comprised in the transgenic seed.

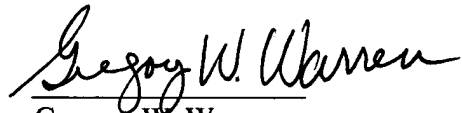
In view of the above comments and amendments, it is respectfully requested that the rejection of claims 3, 12, and 27 under 35 U.S.C. § 112, second paragraph be withdrawn.

Conclusion

In view of the above comments and amendments, Applicants submit that this application is now in condition for allowance. Early notice to this effect is solicited. If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned agent.

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Respectfully submitted,

A handwritten signature in black ink, reading "Gregory W. Warren". The signature is fluid and cursive, with the first name "Gregory" being more prominent.

Gregory W. Warren
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